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91-328 (1)

Supreme Court, U.S.

FILED

JUL 17 1991

OFFICE OF THE CLERK

No. 91 -

IN THE
SUPREME COURT OF THE UNITED STATES
Term, 1991

JOSEPH J. KRIVONAK, JR.

Petitioner

v.

REED J. MILLER

Respondent

AMENDED
PETITION FOR WRIT OF CERTIORARI

TO THE SUPREME COURT OF PENNSYLVANIA
PITTSBURGH DISTRICT

Joseph J. Krivonak, Jr.,
Petitioner-Pro Se
R. D. # 1 Box 475
Cairnbrook, PA. 15924
(814) 754-5951



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QUESTION BEFORE THE COURT

Did the Supreme Court of Pennsylvania
TOTALLY and ABSOLUTELY DENY THIS PETITIONER,
JOSEPH J. KRIVONAK, JR., due process when
it DENIED his petition for this High Court
to enforce it's Court Order No. 412:
CODE OF PROFESSIONAL RESPONSIBILITY AND
RULES OF PROFESSIONAL CONDUCT, violated by
the Law Firm of FIKE, CASCIO & BOOSE in
when it instituted this Civil Litigation
against this Petitioner in October, 1984.
This Petitioner asked the Supreme Court of
Pennsylvania to Order the Law Firm of FIKE,
CASCIO, & BOOSE to withdraw from this Civil
litigation and to order the Somerset Court
of Common Pleas to remove and strike all
Jury Judgements filed against this petitioner.

This Law Firm knew this Civil litigation
was in TOTAL and COMPLETE CONFLICT BEFORE
this Civil Legal Case was instituted!

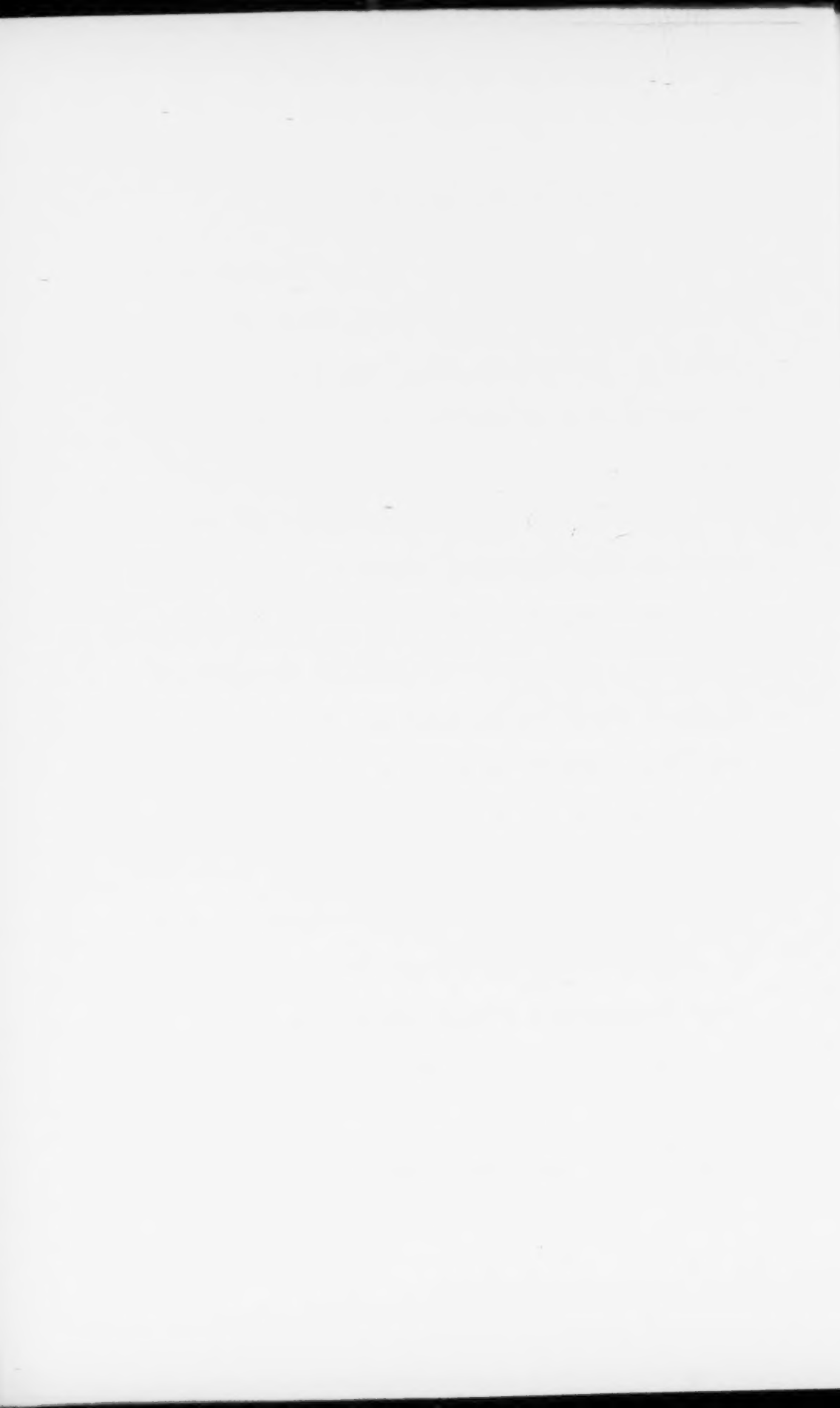


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BASIS OF FEDERAL JURISDICTION

THIS PETITION FOR WRIT OF CERTIORARI
IS AN ACTION OF LAW TO REDRESS THE DEPRIVATION UNDER COLOR OF STATUTE, CUSTOM OR
USAGE OF A RIGHT, PRIVILEGE, AND IMMUNITY
SECURED TO THE PETITIONER, JOSEPH J.

KRIVONAK, JR., BY THE FOURTEENTH AMENDMENT
TO THE CONSTITUTION OF THE UNITED STATES
28 U.S.C. §§ 2241 and 2242
(AND 42 USC), ARISING UNDER THE LAWS AND
STATUTES OF THE STATE OF PENNSYLVANIA.

"S.I. All persons born or naturalized in
the United States and subject to the Jurisdiction thereof, are citizens of the United
States. NO STATE shall make or enforce any
law which shall abridge the privileges or
immunities of citizens of the United States;
nor shall any State deprive any person of
life, liberty, or property, without DUE
PROCESS OF LAW; nor deny any person within
it's jurisdiction the equal protection of
the laws."



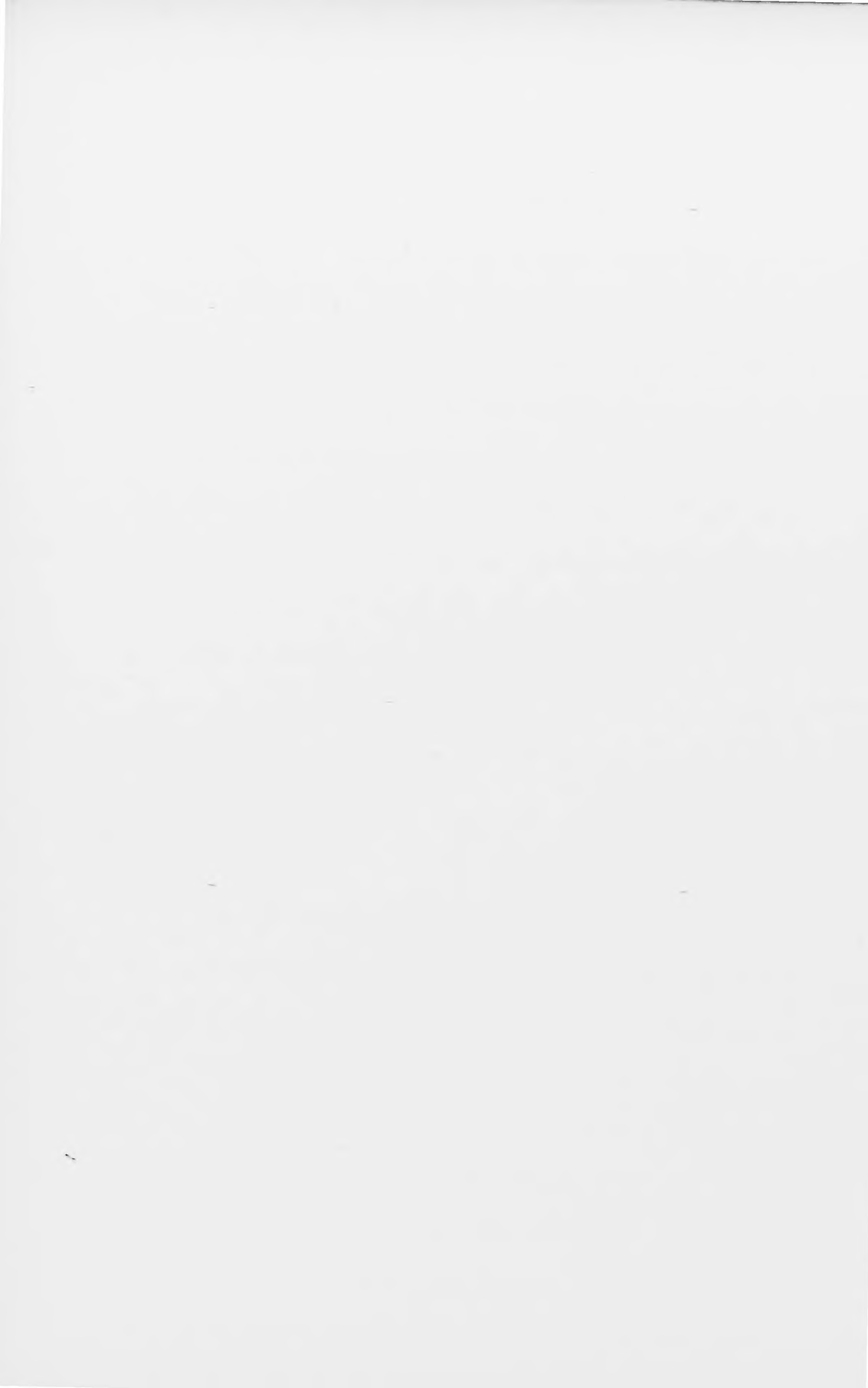
STATEMENT OF CASE

AND NOW, comes petitioner, JOSEPH J. KRIVONAK, JR, Pro Se, with a PETITION FOR WRIT OF CERTIORARI, before this High Court by virtue of jurisdiction invoked by the Fourteenth Amendment to the Constitution of the United States, to protect his rights to DUE PROCESS, after being DENIED to the same by the SUPREME COURT OF PENNSYLVANIA.

Petitioner, JOSEPH J. KRIVONAK, JR., is a born citizen of the United States and has resided at R. D. # 1, Box 475, Cairnbrook, Somerset County, Pennsylvania, for the past 25 years.

This Petitioner is a MEMBER/OWNER of the Somerset Rural Electric CO-OPERATIVE for the same past 25 years. This enterprise exists solely for the use and benefit of it's MEMBER/OWNERS.

The Law Firm of FIKE, CASCIO, & BOOSE is LEGAL COUNSEL for the Somerset Rural Electric, CO-OP., and this petitioner pays the fees charged by this Law Firm thru electric payments for service.



(2)

This Law Firm, FIKE, CASCIO, & BOOSE, knew before they initiated this Civil Litigation in October 3, 1984 by Attorney John J. Dirienzo, Jr. ("leg-man for this law firm.") that they were in TOTAL AND COMPLETE CONFLICT, but still KNOWLY INITIATED THIS LEGAL CIVIL ACTION! To make the Conflict even worse, was the Appellee, REED. J. MILLER, is an employee of the Somerset Rural Electric, CO-OP; and it was while Mr. Miller was on his job that he was to have sustained his injury.

CONFLICT OF INTEREST was raised in JUDGE EUGENE FIKE'S Court in February, 1986; and he disqualified himself from the case on the basis that hw was a member of the same Law Firm and could not rule on this case.

JUDGE CASCIO, later disqualified himself from this Civil Litigation in the same year, and for the same reason as did JUDGE FIKE.

Up until June 10, 1989, this Petitioner believed John J. Dirienzo, Jr. (Attorney of Record) to be the SOLE SOLICITOR FOR THE SOMERSET RURAL ELECTRIC CO-OP. It was at a Meeting of owners that he learned that this law firm was legal counsel



(3)

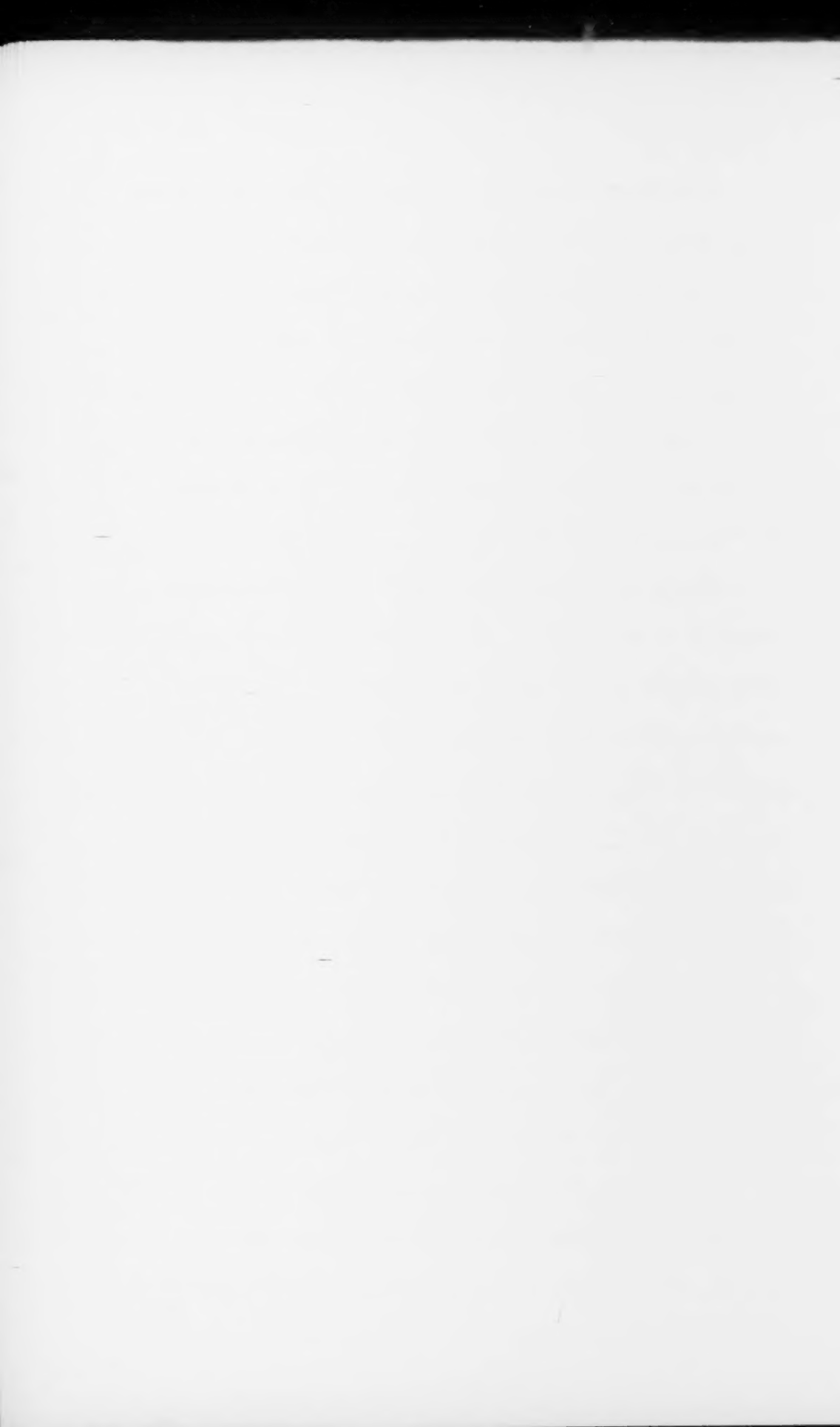
Attorney John J. Dirienzo, Jr. KNEW FULL WELL that he was not only in VIOLATION of the Pennsylvania Supreme Court's rules of Ethical Conduct and expected Legal Practice, but he also has a VESTED INTEREST in this Civil Litigation in that he is the Secretary-Tresurer of the RCC Corporation (Garbage Dump Endeavor) which is planned $\frac{1}{2}$ mile west of my property, the parent company of this subsidiary is BERWINDE WHITE COAL COMPANY has already made a deal with NEW ENTERPRIZE SAND AND LIME CO., to trade their present plant site for land that borders my property (Ishman Track) for their new plant site; my property offer^s/the only right of way to this new plant site. About 75% of the Air Pollution from this new Garbage Dump will be deposited on my property according to the information RCC Corporation has offered the Pennsylvania DER.

This Civil Litigation should NEVER have been initiated by the Law Firm of FIKE, CASCIO, & BOOSE; it CERTAINLY should have been terminated when CONFLICT was raised in JUDGE FIKE'S COURT!

(4)

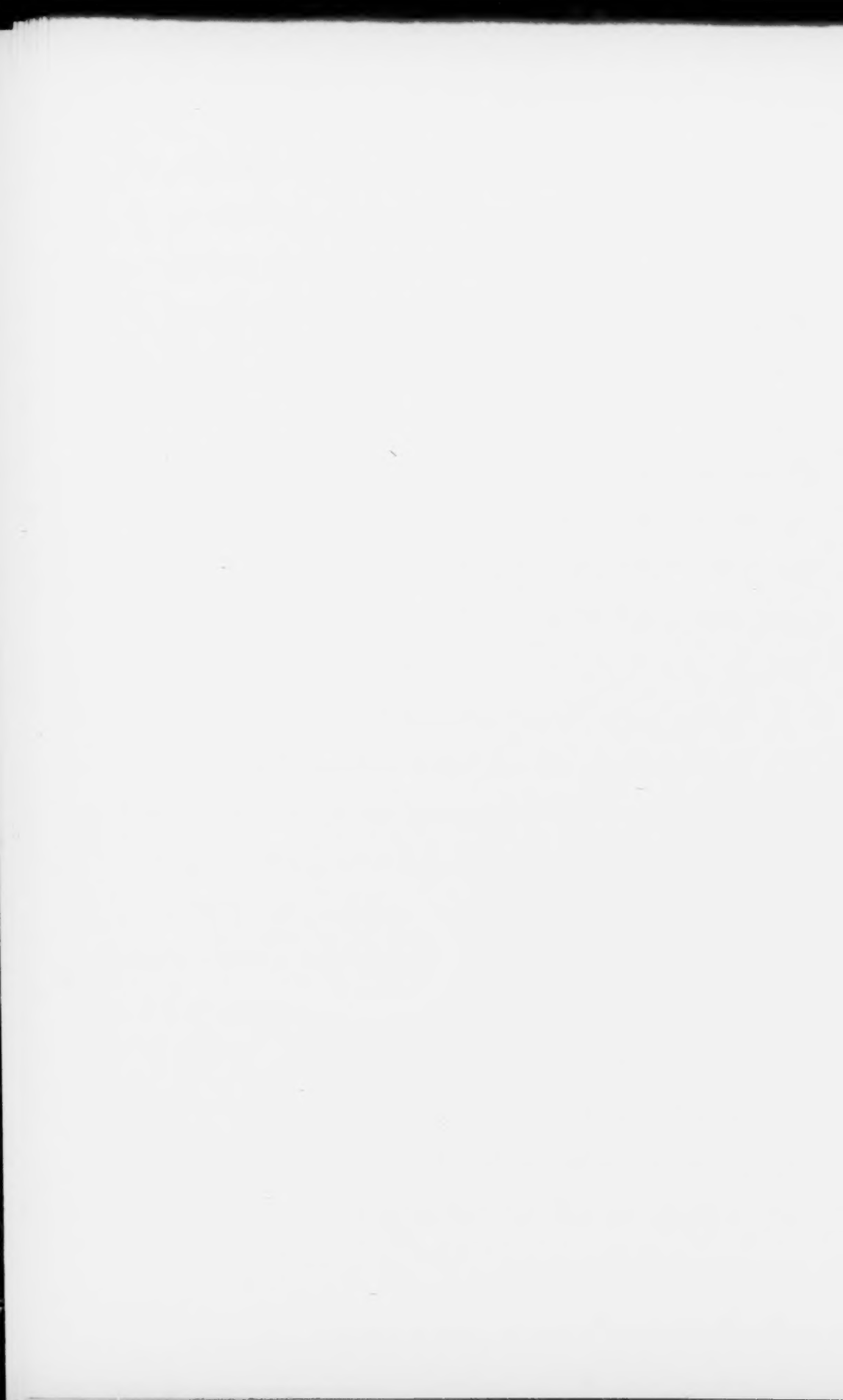
Attorney John J. Dirienzo, Jr. withdrew from this Civil litigation September 12, 1986 when he was named as a co-defendant in a Counter Law Suit brought against him and Reed J. Miller on the grounds that their Civil litigation was PURE FRAUD! He was replaced by Attorney Jeffrey L. Berkey, STILL A MEMBER OF THE SAME LAW FIRM.

This case went to Jury Trial through DEFAULT JUDGEMENT. This Petitioner was purposely OVERLOADED WITH LEGAL PROBLEMS; that he was tied up in other legal cases, and not being knowledgable under the LAW, could NOT adequately respond to time limits required by LAW, and thus had a Default Judgement run right thru the Court without a single challenge by LAW. As explained to the Lower Court, 6 lawyers were approached to handle this legal matter, but they all refused to handle the case for one reason or other. Trial Judge Norman A. Shaulis, knew this petitioner was totally involved in another legal case which he also sat on the Bench for; and knew that this petitioner was tied up with other legal matters.



After a Jury Judgement was rendered in the Lower Court in June 22, 1988, ALL SEMBLANCE OF DUE PROCESS VANISHED! ALL MATTERS RAISED BEFORE THE COURT WERE TOO LATE TO HAVE ANY REDRESS UNDER THE LAW! This Law Firm: FIKE, CASCIO, BOOSE is the Somerset Court of Common Pleas; and all lawyers that I talked to referred to my "PROBLEMS WITH THE SOMERSET COUNTY COURT?" They were all afraid to take on the case and hope to practice Law in this Court later!

This petitioner appealed this case to the Superior Court of Pennsylvania for a new Trial on the basis that the Trial Judge Norman A. Shaulis was grossly prejudice against this Appellant; but was DENIED October 25, 1989. (It was while this case was up for Appeal before the Superior Court that this petitioner discovered that the Law Firm of FIKE, CASCIO, & BOOSE was legal counsel for the Somerset Rural Electric CO-OPERATIVE) This Appeals Court did NOT touch on any of the legal issues raised!



(6)

This Petitioner went directly to the SUPREME COURT OF PENNSYLVANIA which held DIRECT JURISDICTION ON THIS MATTER OF CONFLICT OF INTEREST and CONDUCT OF LAWYERS IN THEIR PRACTICE OF LAW IN THE STATE OF PENNSYLVANIA, through it's Court Order No. 412, handed down October 16, 1987: CODE OF PROFESSIONAL CONDUCT & RULES OF PROFESSIONAL RESPONSIBILITY. All Petitions placed before his High Court were DENIED without comment! His Petition stating that a Delaware Court ordered the Law Firm of SKADDEN, ARPS, SLATE, MEAGHER & FLOM to withdraw from Prudential-Bache Securities, Inc. litigation, was DENIED without comment. His last petition filed February 27, 1991 for Due Process because this High Court failed to enforce it's Court Order no. 412 was a total and absolute denial of due process to this petitioner as guaranteed to him in the Constitution of the United States; was DENIED also without comment! Surely this petitioner is entitled to some Loyalty and Protection from this Law Firm that claimed they worked so hard for him!



THIS LAW FIRM'S FIRST DUTY IS TO THE CLIENT THAT IS PAYING THEIR FEE; NOT THE EMPLOYEE OF THE SOMERSET RURAL ELECTRIC, CO-OP, REED J. MILLER, WHO PROBABLY HAS PAID NOTHING FOR THIS LITIGATION THUS FAR!

This petitioner contends that this Law Firm was guilty of Criminal Fraud when they instituted this Civil Litigation being that they had FELL KNOWLEDGE OF THEIR ACTIONS. To keep preputuating this Litigation after it has been repeatively challanged for Conflict of Interest is MORE THAN GROSS! IT IS A DISGRACE TO THE LEGAL PROFESSION!

This Civil Litigation is Legal Robbery! USING THE COURT TO COMMIT THE CRIME!

In a statement made by Jesse Tilton III, president of the Pennsylvania Rural Electric Association, before a meeting of MEMBER/OWNERS of the Somerset Rural Electric CO-OP., a few weeks ago in Somerset, Pennsylvania: "It's Wall Street making decisions for Main Street. The free enterprise system is plagued by abuses." AND SO IS THE SYSTEM OF JUSTICE!



CONSLUSION

WHEREFORE, this petition for Writ of Certiorari should be granted by this High Court.

This petition deals with the TOTAL and complete disregard of the moral and ethical standards demanded by the Court by this Law Firm of FIKE, CASCIO, & BOOSE. This law firm owes it's CLIENT, JOSEPH J. KRIVONAK, JR., loyalty and protection.

The Supreme Court of Pennsylvania failed to protect the rights of this Petitioner as is guaranteed him in the Fourteenth Amendment of the United States Constitution, in that it totally refused to enforce it's own Court Order, No. 412 violated by this Law Firm.

"AND NOW, this 16th day of October, 1987, upon recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania, it is ORDERED, pursuant to Article V. Section 10 of the Constitution of Pennsylvania, that:

2. This order shall take effect April 1, 1988 at which time the Rules of Professional conduct shall supersede the "present code of Professional Responsibility."

(x-2)

3. The Rules of Professional Conduct, as adopted hereby, do not apply to professional misconduct occurring on or before March 31, 1988. Such misconduct shall be governed by the present Code of Professional Responsibility, which is continued in full force and effect as grounds for disciplinary action, as if this order had not been adopted.

It is unbelievable that this Law Firm could even think of instituting a Civil Litigation against a client they already represent, but TOTALLY GROSS TO KEEP PREPUATING THIS LITIGATION AFTER THE TOTAL AND COMPLETE CONFLICT WAS REPEATEDLY REASED IN THE COURTS.

This Law Firm has stated to the Supreme Court of Pennsylvania THAT THEY DO NOT REPRESENT THIS PETITIONER IN ANY WAY.

This petitioner asked the Supreme Court of Pennsylvania to Order the Law Firm of FIKE, CASCIO & BOOSE TO WITHDRAW from this Civil Litigation; and to order the Court of Common Pleas to Vacate and Strike ALL JURY JUDGEMENTS held on record; but was DENIED. WITHOUT COMMENT!

This Civil Litigation should have been instuted by another Law Firm; certainly NOT the Law Firm of FIKE, CASCIO, & BOOSE!

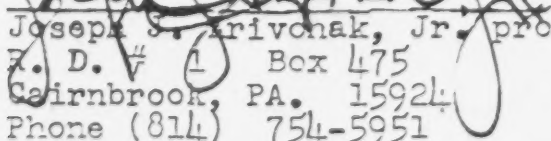
(z-3)

This Petitioner, JOSEPH J. KRIVONAK, JR., Prays, that this High, Honorable Court will end this legal harassment initiated and perpetuated by this Law Firm of FIKE, CASCIO. & BOOSE. by ordering this Law Firm to WITHDRAW from this Civil Litigation; and ordering the Somerset Court of Common Pleas to VACATE & STRIKE ALL JURY JUDGEMENTS held against this petitioner.

This petitioner further prays that this High, Honorable Court will order the Law Firm of FIKE, CASCIO, & BOOSE to pay for ALL COSTS AND EXPENSES incurred by this petitioner incurred while defending himself from this UNCALLEDFOR CIVIL LITIGATION!

This High, Honorable Court should also, determine the amount that should be paid for PAIN AND SUFFERING, on this Law Firm of FIKE, CASCIO, & BOOSE, for instituting and perpetuating THIS FRAUDUALANT CIVIL LITIGATION!

Respectfully Submitted By:


Joseph J. Krivonak, Jr. pro Se
R. D. # 1 Box 475
Cairnbrook, PA. 15924
Phone (814) 754-5951



IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: ;
CODE OF PROFESSIONAL : COURT ORDER NO. 412
CONDUCT :
& :
RULES OF PROFESSIONAL : HANDED DOWN Oct. 16, 1987
RESPONSIBILITY :

BY ORDER OF THE COURT

RULE 1.7 CONFLICT OF INTEREST:

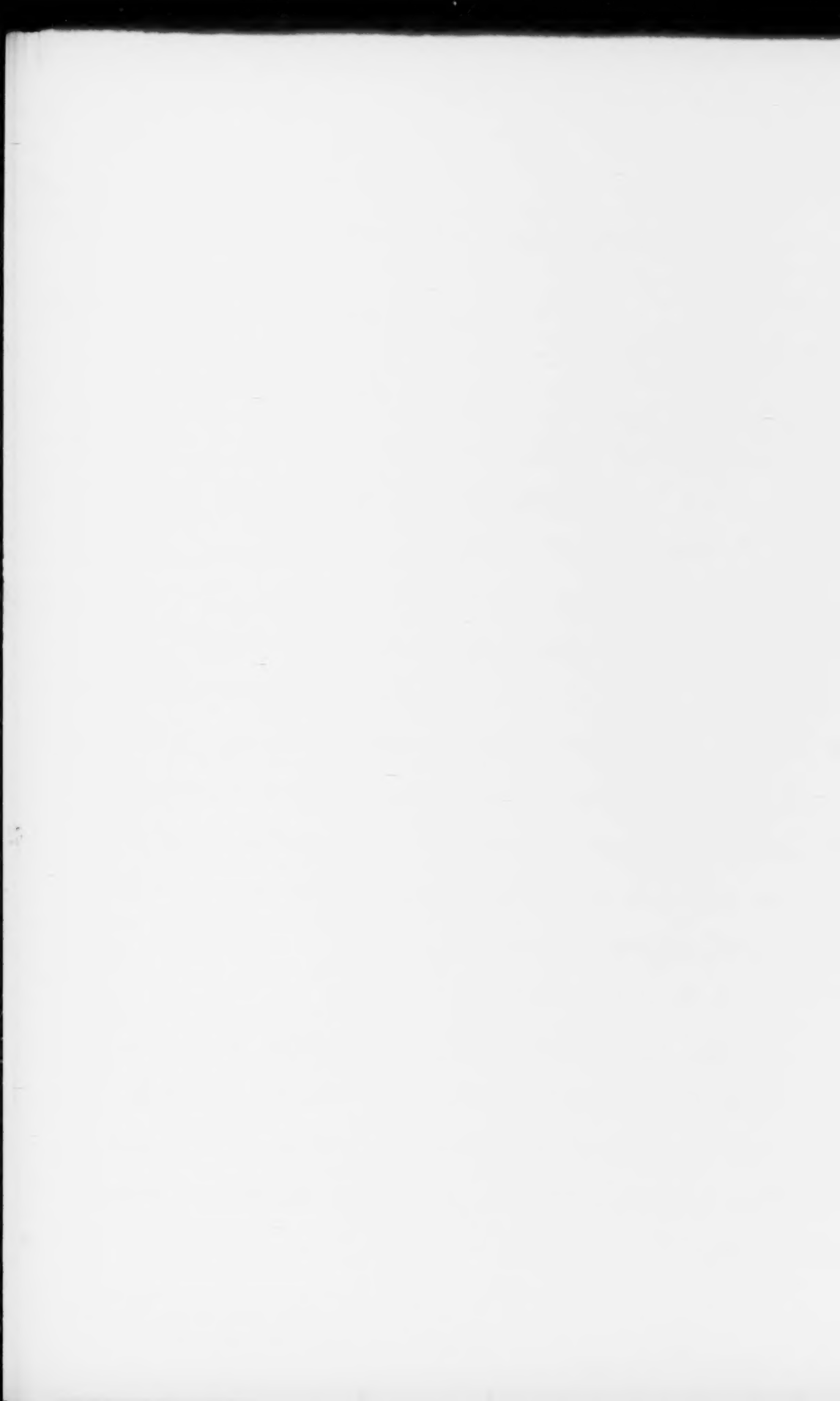
Loyalty to a Client

Loyalty is an essential element in the lawyer relationship to a client. An IMPERMISSIBLE CONFLICT OF INTEREST may exist before representation is undertaken, in which event the representation should be DECLINED! If such a conflict arises after representation has been undertaken, the lawyer should withdraw from representation.

Conflicts in Litigation

(a) prohibits representation of opposing parties in litigation. Ordinarily, a lawyer may not act as advocate against a client the lawyer represents in other matters, even if the other matter is wholly unrelated.

Signed _____
Justice of the Supreme Court
State of Pennsylvania



IN THE SUPREME COURT OF PENNSYLVANIA
SITTING IN PITTSBURGH

JOSEPH J. KRIVONAK, JR. :

Petitioner :

vs. :

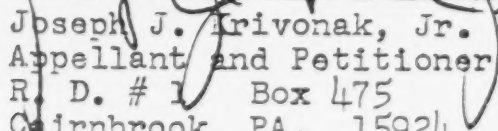
No. 112 W.D. Misch.1989

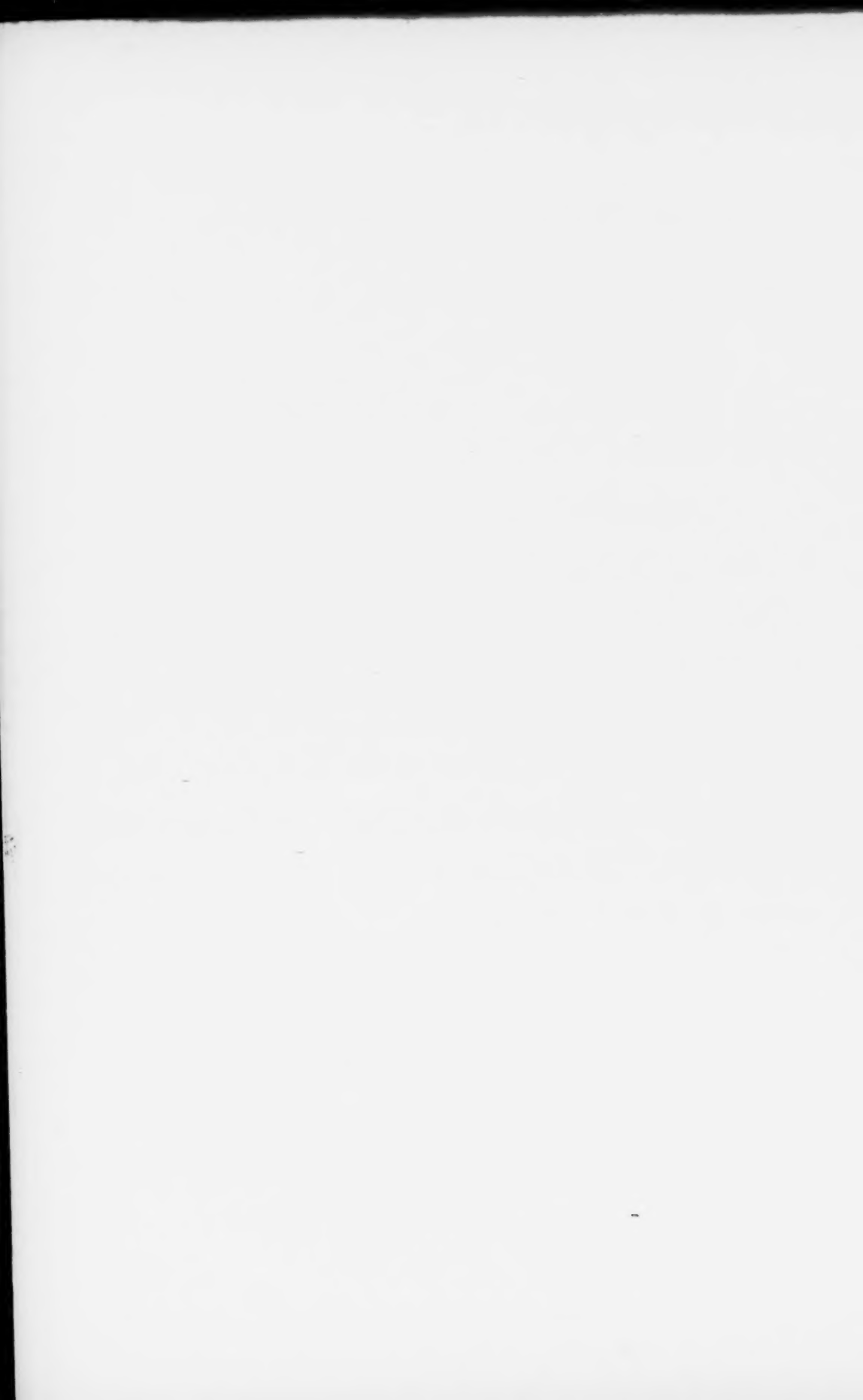
REED J. MILLER :

Appellee :

PETITION FOR DUE PROCESS: FAILURE OF THIS HIGH
COURT TO ENFORCE IT'S COURT ORDER NO. 412: CODE
OF PROFESSIONAL RESPONSIBLITY AND RULES OF PRO-
FESSIONAL CONDUCT, AGAINET THE LAW FIRM OF FIKE,
CASCIO, & BOOSE, IS AN ABSOLUTE AND TOTAL DENIAL
OF DUE PROCESS TO THIS PETITIONER AS GUARANTEED
HIM IN THE CONSTITUTION OF THE UNITED STATES AND
STATE OF PENNSYLVANIA.

Respectfully Submitted By:


Joseph J. Krivonak, Jr.
Appellant and Petitioner
R. D. # 1 Box 475
Cairnbrook, PA. 15924
Phone: (814) 754-5951



THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

April 19, 1991

Mr. Joseph J. Krivonak
R. D. # 1 Box 475
Cairnbrook, PA. 15924

In Re: Joseph J. Krivonak, Jr. v. Reed J. Miller
No. 112 W. D. Miscellaneous Docket 1989

Dear Mr. Krivonak:

The Court has entered the following Order
on your Petition for Due Process in the above-cap-
tioned matter:

"PER CURIAM:

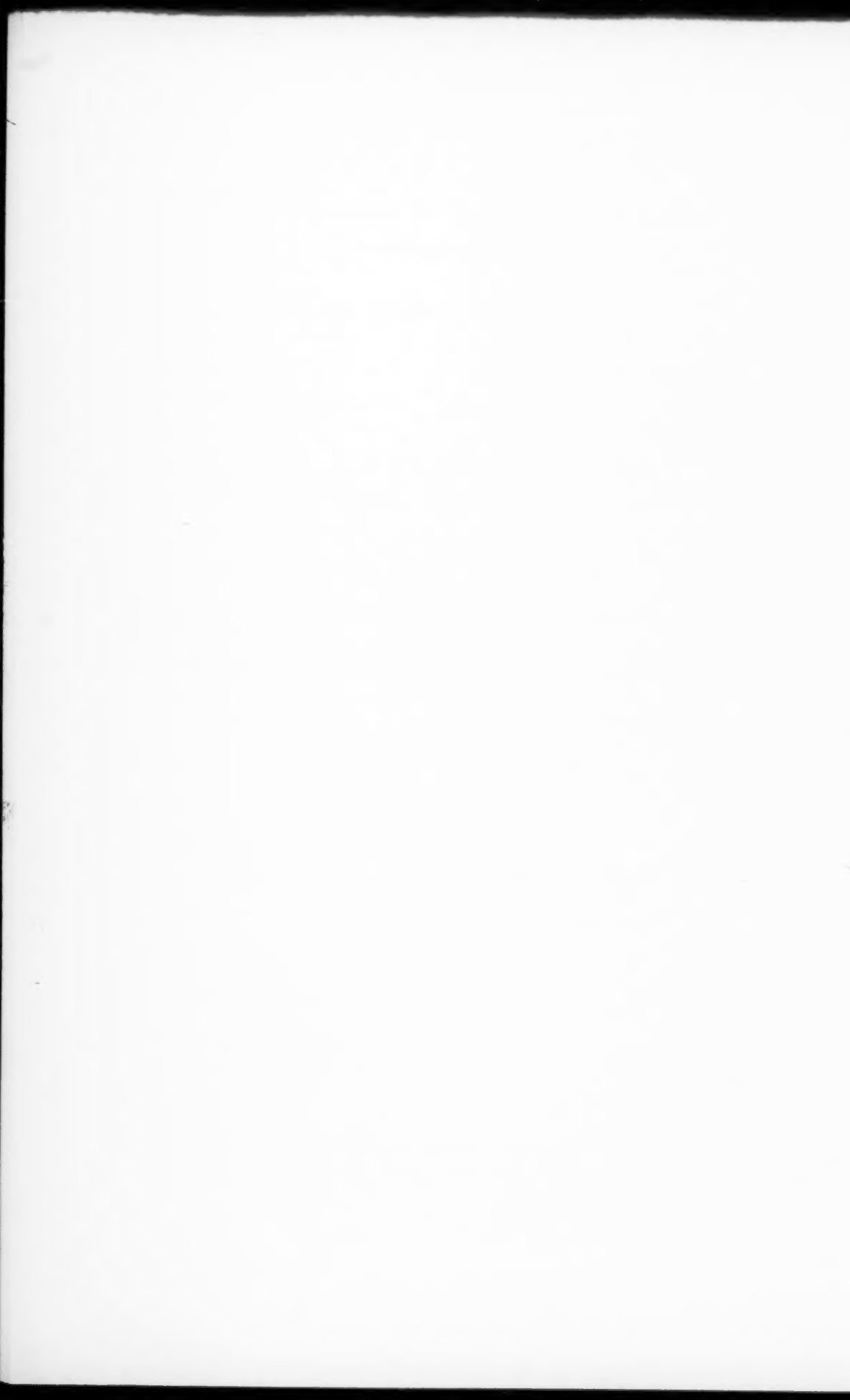
AND NOW, this 19th day of
April, 1991, the 'Petition for
Due Process' is denied."

Very truly yours,

DEPUTY PROTHONOTARY
Irma T. Gardner

ITG:cs

cc: John J. Dirienzo Jr., Esquire
Hon. Norman A Shaulis, S.J.



IN THE COURT OF COMMON PLEAS OF
SOMERSET COUNTY, PENNSYLVANIA

REED J. MILLER

Plaintiff

vs.

JOSEPH J. KRIVONAK, JR.

:
:
:
:
: No. 361 Civil 1984
: Motion to Vacate Default
: Judgement and Motion for
: Jury Trial

ARGUMENT

APPEARANCES:

Plaintiff: Jeffrey L berkey, Esq. & John J.
Dirienzo, Jr., Esq.: FIKE, CASCIO &
BOOSE; Somerset, PA
Defendant: SELF

ORDER OF COURT

NOW, THURSDAY, THIS 2ND OF JUNE, 1988,
AFTER HEARING ARGUMENT, THE DEFENDANT'S MOTION
TO VACATE THE DEFAULT JUDGEMENT IS DENIED.

THE DEFENDANT'S MOTION FOR JURY TRIAL IS
ALLOWED ON THE QUESTION OF DAMAGES ONLY.

THE DEFENDANT'S REQUEST FOR CONTINUANCE OF
THE TRIAL IS REFUSED.

BY THE COURT:

Signed NORMAN A. SHAULIS
Judge



IN THE COURT OF COMMON PLEAS OF
SOMERSET COUNTY, PENNSYLVANIA

REED J. MILLER :
 :
Plaintiff :
 :
vs. : No. 361 Civil 1984
 :
JOSEPH J. KRIVONAK; :
JR. :
 :
 :
 :
_____ :

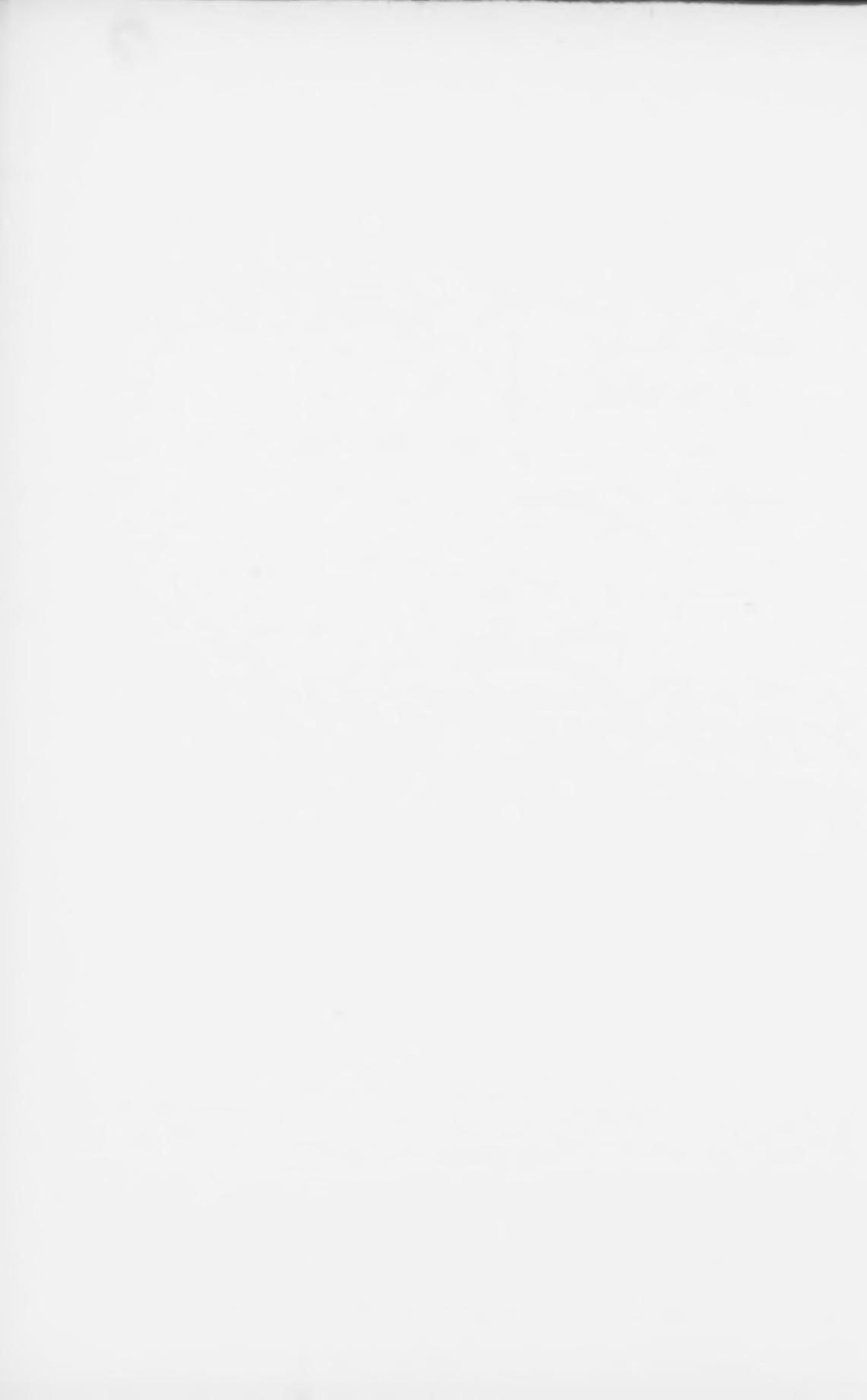
VERDICT

And now, to wit: June 22 1988, we the
Jurors empanelled in the above entitled
case, find....

Compensatory Damages	\$ 50,000.00
Punitive Damages	\$ 75,000.00
<u>TOTAL</u>	<u>\$125,000.00</u>

Signed _____ Foreman
Dolares J. Resh

THE JURY HAD TO DETERMINE THE AMOUNT OF AWARD
AND DID NOT HAVE TO DECIDE WHETHER THERE WAS
ANY GUILT OR EVIDENCE TO PROVE THERE WAS REA-
SONABLE GROUNDS TO AWARD THESE AMOUNTS.



IN THE COURT OF COMMON PLEAS
SOMERSET COUNTY, PENNSYLVANIA

REED J. MILLER

Plaintiff

vs.

JOSEPH J. KRIVONAK, JR.

Defendant

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:
:

No. 361 Civil, 1984

ORDER

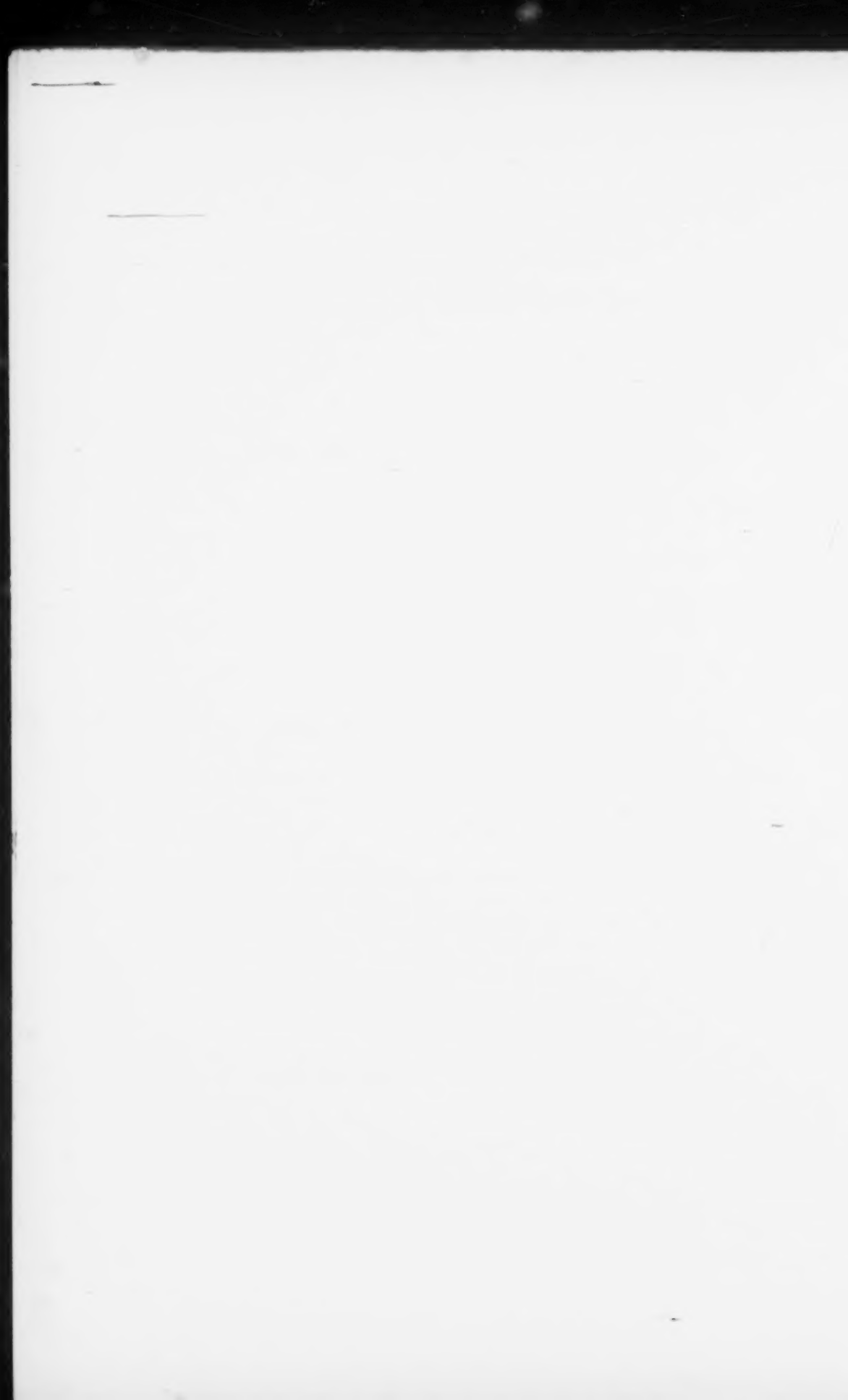
NOW, this 31 st day of OCTOBER, 1988,
Defendant's Post-Trial Motion is denied and
a New Trial is refused.

The Prothonotary is directed to enter
JUDGEMENT ON THE VERDICT.

BY THE COURT:

Signed

Judge Norman A. Shaulis



IN THE SUPERIOR COURT OF PENNSYLVANIA
PITTSBURGH

REED J. MILLER

Plaintiff

vs.

No. 01781 PGH 88

JOSEPH J. KRIVONAK, JR.

Defendant

BRIEF TO VACATE DEFAULT JUDGEMENT AND
APPEAL FOR NEW TRIAL WITH LEGAL REPRESENTATION

The main point raised in this petition was that the trial judge, NORMAN A. SHAULIS was grossly prejudices against this petitioner and Defendant. Also raised, was that juror, No. 151, Gregory J. Weyant, went shouting through the hallways of the Court House, remarks, that inflamed the emagination of the fellow jurors.

WHILE THIS APPEAL WAS PENDING BEFORE THIS COURT, THIS PETITIONER DISCOVERED THAT THE LAW FIRM OF FIKE, CASCIO & BOOSE WAS LEGAL COUNSEL FOR THE SOMERSET RURAL ELECTRIC, CO-OPERATIVE, NOT ATTORNEY OF RECORD, JOHN J. DIRIENZO, JR., WHO THIS PETITIONER BELIEVED TO BE SOLE SOLISITER FOR THIS CO-OPERATIVE WHICH HE IS MEMBER/OWNER!

Respectfully submitted by:

Joseph J. Krivonak, Jr.

SUPERIOR COURT OF PENNSYLVANIA

PITTSBURGH DISTRICT

Reed Miller

v

Joseph J. Krivonak, Jr.
Appellant

:
:
:
:
:
:
:

No. 1781 Pittsburgh 1988

ORDER

AND NOW, this 25 th day of October, 1989, it is ordered as follows:

X Order affirmed.

BY THE COURT

Eleanor R. Valecko
Deputy Prothonotary

BEFORE: WIEAND, McEWEN and WATKINS, JJ.

MEMORANDUM:

Consideration of this appeal cannot be undertaken in the established fashion by reason of the unrealistic manner in which appellant has represented himself in this litigation commenced on October 3, 1984. Appellee commenced the underlying litigation to seek damages based upon a claim arising from an occurrence which the distinguished Judge Norman A. Shaulis described in his opinion:

Order affirmed.